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SUBJECT: COSTA RICAN AND NICARAGUAN FOREIGN MINISTERS MEET,
AVOID CONTENTIOUS ISSUES

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11. Summary: The Foreign Ministers of Costa Rica and Nicaragua met in San Jose to discuss bilateral issues on July 26, 2006. They agreed to renew a Binational Commission that has not met for nine years. They avoided discussion of the two most contentious issues between the two countries, Costa Rican navigation rights on the San Juan River and the alleged mistreatment of Nicaraguan immigrants in Costa Rica. These two issues have been brought before international tribunals, but remain unresolved. End Summary.

12. Costa Rican Foreign Minister Bruno Stagno and his Nicaraguan counterpart, Norman Caldera, had a three-hour meeting in San Jose to discuss bilateral issues. Caldera was supportive of the Arias Administration's recent efforts to delay implementation of a tough immigration law passed by the previous legislature and scheduled to take effect in August 2006 (reftel A). The bill's strong immigration enforcement mandates are widely unpopular in Nicaragua. The Foreign Ministers agreed to renew the Binational Commission meetings between their two countries that have not occurred since 1997. According to Costa Rican media reports, the Ministers avoided two of the most contentious issues that complicate the relationship between their countries - Costa Rican navigational rights on the San Juan River and Nicaraguan complaints that their citizens face mistreatment and discrimination in Costa Rica. These two issues have recently pitted the countries against each other in international tribunals.

13. Costa Rican navigational rights on the San Juan River, which forms 80 miles of the eastern Costa Rican/Nicaraguan border, have long been a point of dispute between the two countries (reftel B). While there is no question that sovereignty over the river and both banks belong to Nicaragua, Costa Rica claims that a 1888 arbitration ruling gives it the right of free passage. The point of friction relates to whether Costa Rican police have the right to travel from one post to another on the river while armed. Nicaragua's view is that the movement of armed Costa Rican security officials on the river directly impinges on its sovereignty. Several years of wrangling over the issue led Costa Rica to present its case before the International Court of Justice in the Hague in September, 2005. Costa Rica wants to have the case decided by third-party arbitration. The dispute pits Nicaraguan nationalism against Costa Rica's desire to police its northern border, a human, drug, and arms-smuggling zone. The case is still under review by the Hague.

14. On July 18, 2006 Nicaragua denounced Costa Rica at the Interamerican Commission of Human Rights in Guatemala.

Claiming that its citizens living in Costa Rica face xenophobia, discrimination, and prejudice, Nicaragua wants the Commission to accept the petition for a full hearing at the Inter-American Court of Human Rights in San Jose. Nicaragua used two recent and widely-publicized events to bolster its claim. In the first incident, a Nicaraguan who tried to unlawfully enter a house was mauled to death by two guard dogs while seven Costa Rican public security officers who witnessed the attack failed to intervene for over an hour. In the second incident, five Nicaraguans exiting a bar near San Jose were attacked, with one dying from stab wounds.

Both cases are still under investigation by Costa Rican justice officials. Costa Rican representatives from the Ministry of Foreign Affairs characterized the denunciation as "bad faith" on the part of Nicaragua, pointing out that the denunciation was filed before the Costa Rican judicial system has reviewed the investigation results.

¶15. COMMENT: Relations between the two nations are generally good, especially at the upper levels of government. Although the respective governments apparently prefer to use international tribunals, rather than direct negotiation, to settle their differences, the reintroduction of the Binational Commission is a good sign that may lead to opportunities for the governments to settle differences in a more direct manner in the future. END COMMENT

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